



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|-----------------------|------------------|
| 09/892,376      | 06/26/2001  | David Carroll Challener | RPS920010023US1/2068P | 2903             |

47052 7590 07/28/2005

SAWYER LAW GROUP LLP  
PO BOX 51418  
PALO ALTO, CA 94303

|          |
|----------|
| EXAMINER |
|----------|

NALVEN, ANDREW L

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2134

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,376

Applicant(s)

CHALLENGER ET AL.

Examiner

Andrew L. Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/26/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The election of claims 8-23 has been noted.
2. Claims 8-23 are hereby pending.

### ***Claim Objections***

3. Claims 22-23 are objected to because of the following informalities: Claim 23 appears to be a duplicate of claim 15. Examiner has interpreted the claim to be dependent upon claim 22. Further, Examiner believes claim 22 has been incorrectly provided as dependent upon claim 13. Claim 22 is directed towards the decrypting of data by the cordless unit while its parent claims are directed towards the decrypting of data by an ISP. Examiner has interpreted Claim 22 to be dependent upon claim 21. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claims are unclear because they provide

Art Unit: 2134

limitations requiring the use of modems to communicate digital data between a base station and an ISP. Modems are used to convert analog data to digital data, digital data to analog data, and to transmit analog data. Claim 8 states "routing the call from the cordless unit to the ISP via the modem" and "the another modem being associated with another base station and being coupled to the ISP", claim 10 states "utilizing the cordless unit to convert the data from analog to digital", and claim 12 states "utilizing the modem to convert encrypted digital data to IP packets." Examiner has interpreted these limitations to suggest that digital data is being sent between the base station and ISP using a modem. Such a step using a modem is not possible. Clarification or correction is required.

5. Claims 14-15 and 22-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claims contain a preamble indicating an encryption step; however, the provided limitations are directed towards a decryption step.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2134

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 8-9 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayers et al US Patent No. 6,539,237.

8. With regards to claims 8 and 16 (as best understood), Sayers teaches utilizing the cordless unit to initiate the call (Sayers, column 10 lines 15-25, send calls), determining whether the cordless unit is within range of the base station (Sayers, column 8 lines 45-52), routing the call from the cordless unit to the ISP via the modem if the cordless unit is within range of the base station (Sayers, column 8 lines 45-52), routing the call from the cordless unit to the ISP via another modem if the cordless unit is not within range of the base station, the another modem being associated with another base station and being coupled to the ISP (Sayers, column 8 lines 45-52), and providing the call to the device (Sayers, column 10 lines 15-25, send calls).

9. With regards to claims 9 and 17, Sayers teaches encrypting the call prior to step b (Sayers, column 3 lines 35-41).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2134

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10-15 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al US Patent No. 6,539,237 in view of Chiu US PGPub 2002/0131598.
12. With regards to claims 10-11 and 18-19, Sayers fails to teach the converting of analog data and the encrypting of digital data. Ashby teaches utilizing the cordless phone to convert the data from analog to digital (Ashby, column 15 lines 30-35) and utilizing the encryption technique within the cordless unit to encrypt the digital data (Ashby, column 15 lines 39-53). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ashby's conversion and encryption method with Sayer's wireless communication system because it offers the advantage of preventing unauthorized user's from eavesdropping on secure channels (Ashby, column 1 lines 18-42).
13. With regards to claims 12-13 and 20-21, Sayers as modified teaches the converting of encrypted digital data packets to IP packets (Sayers, Figure 6 Item 6-26, column 24 lines 26-47).
14. With regards to claims 14-15 and 22-23 (as best understood), Sayers as modified teaches the decrypting of the IP packets at the ISP; converting the IP packets to digital data, and converting the digital data to analog data (Ashby, column 15 lines 54-67, Sayers, column 11 lines 37-42).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Soloman US Patent No. 5,974,043 teaches a system for communicating using the public switched telephone network and a wide area network.
17. Chiu US PGPub 2002/0131598 teaches an end to end real time encrypting process of a mobile commerce WAP data transmission section.
18. Sowa et al us PGPub 2002/0154776 teaches a method for providing authentication in a communication system.
19. Rautiola et al US Patent No. 5,956,331 teaches an integrated radio communication system.
20. Beeson Jr et al US Patent No. 5,278,890 teaches a paging arrangement in a cellular mobile switched network.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

*AN*

David Y. Jung  
Primary Examiner

*2/24/05*

*D. Jung*